United Nations S/AC.37/2009/(1455)/4

Security Council

Distr.: General
7 December 2009

Original: English

Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

Note verbale dated 4 December 2009 from the Permanent Mission of Nigeria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Federal Republic of Nigeria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities and has the honour to submit to the Committee Nigeria's report to the United Nations Analytical Support and Sanctions Monitoring Team (see annex).

09-63685 (E) 291209

Please recycle

Annex to the note verbale dated 4 December 2009 from the Permanent Mission of Nigeria to the United Nations addressed to the Chairman of the Committee

Report of Nigeria to the Analytical Support and Sanctions Monitoring Team

Preamble

The Government of Nigeria has made vigorous efforts to collaborate and cooperate regionally and globally to strengthen the fight against terrorism and terrorism financing. Pursuant to the foregoing, Nigeria has ratified the following international instruments against terrorism and organized crime:

(a) Convention on Offences and Certain Other Acts Committed on Board Aircraft (1963)

(b) Convention for the Suppression of Unlawful Seizure of Aircraft (1970)

(c) Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (1971)

(d) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (1988)

(e) Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (1988)

(f) Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991)

(g) International Convention for the Suppression of the Financing of Terrorism (1999)

(h) United Nations Security Council resolution 1373 (2001)

(i) Protocol Against the Illicit Manufacturing of and Trafficking in Firearms and their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organized Crime (2001).

Other conventions ratified relating to terrorism and terrorism financing are the following:

(i) United Nations Convention Against Transnational Organized Crime (2000)

(ii) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime (2000)

(iii) Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime (2000)

(iv) United Nations Convention Against Corruption (2003).

Nigeria has also adopted the following resolutions and declarations made by the African Union to combat terrorism:

(a) The OAU Convention on the Prevention and Combating of Terrorism, made in Algiers in July 1999

(b) The Declaration on Terrorism, made in Senegal in 2001

(c) The Plan of Action for the Prevention and Combating of Terrorism by the Inter-Governmental High-Level Meeting of the African Union in September 2002 in Algiers.

In realization of the African Union Plan of Action, the 53 member nations were required to establish a forum to facilitate the timely exchange and sharing of ideas and intelligence in combating terrorism within the continent. This led to the establishment of the African Centre for the Study and Research on Terrorism (ACSRT).

It mandated member countries to establish national focal points on terrorism. In compliance, the Government of Nigeria established the National Focal Point which is coordinated by the Department of State Services (DSS). The National Focal Point membership consists of Government officials from the following stakeholder ministries, departments and agencies:

- Department of State Services (DSS)
- The Economic and Financial Crimes Commission (EFCC)
- Federal Ministry of Justice (FMOJ)
- Defence Headquarters (DHQ)
- Defence Intelligence Agency (DIA)
- National Drug Law Enforcement Agency (NDLEA)
- The Nigeria Police Force (NPF)
- National Intelligence Agency (NIA)
- Nigeria Immigration Service (NIS)
- Nigeria Customs Service (NCS)
- Nigeria Civil Aviation Authority (NCAA)
- Federal Airports Authority of Nigeria (FAAN)
- Nigeria Ports Authority (NPA)
- The Central Bank of Nigeria (CBN)
- National Emergency Response Agency (NEMA)
- National Agency Against Trafficking in Persons (NAPTIP)
- Corporate Affairs Commission (CAC)
- Nigeria Postal Services (NIPOST)
- Federal Fire Service (FFS)
- Ministry of Transport (MOT)
- Ministry of Solid Minerals Development (MOSMD)
- Ministry of Finance (MOF)
- Ministry of Foreign Affairs (MFA)
- Nigeria Security and Civil Defence Corps (NSCDC)
- Nigerian Financial Intelligence Unit (NFIU)
- Economic Community of West African States (ECOWAS) — Observers
- United Nations Office on Drugs and Crime (UNODC) — Observers
- European Union — Observers

The activities of the National Focal Point include:

(i) Conducting research and analysis on terrorism-related matters to enable provision of a prompt and proactive response to terrorist threats

(ii) Collation, integration and preparation of input provided by the intelligence services with a view to advising the relevant authorities on counter-terrorism policies

(iii) Identifying, penetrating and monitoring of extremist/fundamentalist groups and suspected NGOs with a view to intercepting the recruitment process of terrorists

(iv) Implementation of all policies on counter-terrorism and its financing by monitoring the activities of financial institutions

(v) Developing and maintenance of a national repository database on terrorist groups

(vi) Maintaining and updating of database on the movement and activities of passengers from risk countries

(vii) Maintenance of security watch list on individuals and groups

(viii) Maintenance of close watch and regulation of the use of explosives in liaison with relevant Government agencies or parastatals.

Counter-terrorism efforts in Nigeria and compliance with the United Nations Security Council resolutions

The United Nations Security Council resolutions on counter-terrorism are part of the sanctions regime against terrorism required to be enforced by all Member States in order to prevent and combat terrorism.

Security Council resolutions 1526 (2004) and 1822 (2008) relating to the Consolidated List, arms embargo, assets freeze and travel ban are implemented in Nigeria by various agencies through collaborative efforts as stated below:

(a) Consolidated List

The following core agencies are responsible for monitoring, updating and ensuring compliance with the Consolidated List:

- Central Bank of Nigeria
- Nigerian Financial Intelligence Unit
- Nigeria Immigration Service
- Corporate Affairs Commission
- Nigeria Police Force
- Department of State Services
- Nigeria Security and Civil Defence Corps
- Ministry of Foreign Affairs
- National Intelligence Agency
- Nigeria Customs Service
- National Drug and Law Enforcement Agency.

(i) Central Bank of Nigeria (CBN)

- The Consolidated List is updated and monitored by the Banking Supervision Department (BSD) of the CBN. The BSD checks relevant United Nations websites and also consults the Nigerian Foreign Affairs Ministry in this regard.
- The CBN advises banks and other financial institutions within its supervisory purview on the names of individuals and organizations related to resolutions 1267 (1999) and 1373 (2001).
- Any amendments to the names and deletions on the Consolidated List are brought to the attention of the financial institutions for the purpose of ensuring that transactions involving those individuals and organizations are detected by the institutions and reported to the CBN within one week.
- CBN draws the List to the attention of the relevant institutions and, at the same time, follows up by advising these institutions of any change.
- The financial institutions are required to check their systems at intervals for the names on the Consolidated List and report their observations to the CBN.
- Institutions under the supervisory purview of the CBN are money deposit banks, discount houses, microfinance banks, primary mortgage institutions, finance companies, bureaux de change and development finance institutions.

(ii) Nigerian Financial Intelligence Unit (NFIU)

The NFIU ensures full compliance with the provisions of resolution 1822 (2008) among all financial and designated non-financial institutions in Nigeria. Consequently, the unit engages these institutions on their respective obligations in order to promote effective compliance and enforcement in the overall implementation of the provisions of resolution 1822 (2008).

Furthermore, the NFIU advises regulatory bodies to direct institutions within their purview to be aware and watchful of and to make constant reference to the online United Nations List in the course of their business operations. The efforts of the NFIU have helped to increase awareness, compliance and enforcement of the reporting obligations of the financial and designated non-financial institutions of Nigeria.

In addition to the circulation of hard copies of the Consolidated List, the NFIU frequently advises all stakeholders to always check the online Consolidated List at the United Nations website.

The financial sector operators are largely in compliance with the CBN directive requiring them to render monthly returns to the Nigerian Financial Intelligence Unit.

(iii) Nigeria Immigration Service (NIS)

The Nigeria Immigration Service has commenced the implementation of the e-Gate system at most ports of entry in Nigeria. In addition, the Advance Passenger Information System (APIS) regime is in full operation as the names

of intending passengers are usually verified against the List ahead of arrival into the country.

(iv) Corporate Affairs Commission (CAC)

The CAC makes reference to the Consolidated List before any company or organization is registered.

(v) Nigeria Police Force (NPF)

The INTERPOL Unit attached to the Criminal Investigation Department of the Nigeria Police Force is responsible for maintaining a consolidated list of internationally sanctioned persons. The Unit disseminates information on the list to all police departments and formations for necessary action.

The Anti-Terrorism Squad of the Nigeria Police Force also works in collaboration with the INTERPOL section of the Police and other security agencies, including the United Nations, to ensure full compliance with resolution 1822 (2008).

(vi) Department of State Services (DSS)

By virtue of Instrument No. 1 of 1999, Cap.278, Laws of the Federation (LFN), the DSS is mandated to maintain and periodically update a watch list/database at various travel control posts across the country. It should be noted that the watch list incorporates the Consolidated List.

The Service arrests, detains and confiscates travel documents of individuals or groups that have been placed on the watch list or suspected to have links with any terrorist or terrorist groups.

Also, the Service conducts investigations and vetting of foreign companies seeking registration in Nigeria, as well as foreigners applying for the certificate of naturalization, in collaboration with the Ministry of Interior.

Those seeking refugee/asylum status in Nigeria are checked against the Consolidated List.

(vii) Nigeria Security and Civil Defence Corps (NSCDC)

In its effort to enforce the Consolidated List through its diverse operational networking, the Nigeria Security and Civil Defence Corps has effectively established:

a. Units of counter-terrorism at its national headquarters, State commands, divisional offices, cells and units at local and international airports. These serve as effective positioning for profiling, intelligence-gathering and reporting of findings on people and entities on the Consolidated List.

b. Disaster Management Department which enhances quick response in emergency situations. To this end, the Corps has set up emergency response units in some airports and stationed emergency response ambulances there. It partners with the Nigeria Emergency Management Agency (NEMA) as a measure for counter-terrorism rescue operations. It has participated in search and rescue operations.

The Private Guards Company (PGC) under S.3 1(b)-(d) of 2007 NSCDC Act is controlled by the Corps. Thus, the Corps has brought sanity to bear upon the operations of the private guards industry by successfully training the guards on intelligence-gathering relating to issues of terrorism and profiling questionable acts and behaviour of people who are likely terrorists or agents of people on the Consolidated List.

The Corps is also in partnership with the National Focal Point and constantly updates itself with the current Consolidated List of the United Nations in order to reinvigorate its focus on intelligence-gathering and reporting. The List is distributed to all intelligence and counter-terrorism units in the Corps national headquarters, State commands and divisional offices nationwide.

(b) Assets Freeze

The institutions responsible for asset-freezing are the Federal Ministry of Justice, the Central Bank of Nigeria, the National Drug Law Enforcement Agency, the Economic and Financial Crimes Commission and the Nigerian Financial Intelligence Unit.

(i) Federal Ministry of Justice

The following are laws of the National Assembly that regulate and empower asset-freezing in Nigeria:

a. The Central Bank Act, 2007 and the Banks and Other Financial Institutions Act (BOFIA), 1991 (as amended)

- The operations of the Central Bank of Nigeria (CBN), which is the financial sector regulator, are governed by these laws.
- It regulates all transfers of funds to and from Nigeria. The CBN issues circulars guiding operations of foreign exchange and ensures strict adherence to the Know Your Customer (KYC) Principle and Customer Due Diligence (CDD) practices.

b. Currency Conversion (Freezing Orders) Act

- The CBN gives orders to banks to freeze accounts where there are irregularities in connection with payments, operations, or transactions of any currency conversion operation in Nigeria.

c. The Economic and Financial Crimes Commission (Establishment) Act, 2004

- The EFCC Act establishes a Commission to administer and enforce the provisions of the Act. Section 12(1) (a) of the Act establishes the General and Assets Investigation Unit, which has responsibility for investigating and confiscating assets acquired through the proceeds of crime.
- The offence of terrorism and terrorism financing is criminalized by section 15 of the EFCC Act. It enables the freezing and confiscation of assets of terrorists and their associates. Furthermore, it provides for the conviction of guilty persons by a

competent court of law in Nigeria. A penalty of life imprisonment is prescribed by the Act for convicted persons.

- Section 28 of the Act empowers the EFCC to trace and attach all assets and properties of persons arrested for economic and financial crimes and the application of an interim attachment order from a court, while section 29 provides for an interim forfeiture order.
- Indeed, sections 28 to 32 cover investigation of assets and properties, interim forfeiture orders and offences in relation to forfeiture orders.
- Section 34 of the EFCC Act gives the Commission the power to freeze accounts.
- The Chairman of the Commission or the officer authorized by him may, if satisfied that the money in a suspect's account is made through the commission of an offence under the Act, apply to the court ex parte for power to issue an order addressed to the manager of the bank or any person in control of the financial institution or designated non-financial institution. The freezing order format is contained in Form B of the schedule to the EFCC Act.

d. Money Laundering (Prohibition) Act, 2004

- The provisions of this Act are administered by the Nigerian Financial Intelligence Unit.
- The Act provides for reporting of suspicious transactions and the reporting obligation of individuals, banks and other financial institutions.
- The Act provides that banking secrecy and preservation of customer confidentiality shall not apply to AML/CFT issues.
- It provides for the verification of the identity of customers carrying out financial transactions and the beneficiaries, and ensures retention of records of all financial transactions by financial and non-financial institutions.
- The Act empowers the Federal High Court to grant an order that the funds, accounts or securities of a stopped transaction be frozen if the origin of such funds cannot be ascertained (see sect. 6(7) of the Act).
- The Nigerian Customs Service is required to report any declaration made pursuant to the Foreign Exchange (Monitoring and Miscellaneous Provisions) Act to the CBN and SEC. The CBN and SEC are mandated to forward such reports to the (NFIU/EFCC) weekly.

e. The Corrupt Practices and Other Related Offences Act

- The Act also provides for forfeiture of assets of civil and public servants.

f. National Drug Law Enforcement Agency (NDLEA) Act

- It is clear that trafficking in drugs is at the heart of organized crimes all over the world and that the proceeds of illicit traffic in narcotic drugs are used in financing terrorist activities.
- NDLEA was therefore established to combat all forms of drug crimes and to investigate and bring guilty persons to justice.
- Its functions include adoption of measures to identify, trace, freeze, confiscate or seize proceeds derived from drug-related offences or property whose value corresponds to such proceeds.
- The Agency has a General Assets Investigation Unit which investigates assets and properties of persons arrested for committing any offence under the Act.
- Sections 27-33 cover forfeiture of property of convicted persons while sections 34 and 35 deal with investigation of assets and property.
- The NDLEA Chairman may, with the written approval of the Attorney General of the Federation, issue an order to freeze the account of any suspect who has been arrested (see sect. 42 of the Act).

g. The Criminal Code Act

- Sections 62 to 68 of the Criminal Code cover unlawful societies and prescribe the procedure for seizure and disposition of properties belonging to them. It, however, makes no provision for asset-freezing.

(ii) Central Bank of Nigeria (CBN)

- The CBN is also empowered to investigate frozen accounts of individuals and entities on the Consolidated List.
- Once terrorist financing is identified (especially by the financial institutions), the account is recommended for freezing by obtaining a court order by ex parte motion. These funds are held as long as the names of the account holders are on the Consolidated List.
- CBN, via circulars, communicates actions taken to the financial sector immediately upon taking such action.
- CBN also provides clear guidance to the financial institutions holding the targeted funds or other assets concerning their obligations.
- The CBN has effective procedures for considering de-listing requests and for de-freezing the funds or other assets of de-listed persons or entities in a timely manner.
- CBN ensures that such funds are not released to organizations and persons on the Consolidated List.

- There are appropriate procedures through which a person or entity whose funds or other assets have been frozen can challenge such measures in the courts and request a review.
- CBN, the Federal Ministry of Commerce and other stakeholders regulate the movements of funds outside the banking sector vide circulars such as the CBN AML/CFT Compliance Manual.
- CBN cooperates and collaborates with the following in carrying out its duties:
    - National Inter-Ministerial Committee on AML/CFT (comprising AML/CFT stakeholders in Nigeria):
        - It is a platform used to enhance cooperation among stakeholders.
        - The Committee meets quarterly to address fundamental AML/CFT issues, exchanges information and creates the needed synergy to combat money-laundering and terrorism financing.
    - Financial Services Regulation Coordinating Committee (FSRCC) (See sections 43 and 44 of the CBN Act, 2007):
        - Membership of FSRCC includes the CBN, NDIC, Ministry of Finance, NAICOM, SEC and the CAC.
        - It coordinates the supervision of financial institutions in the entire financial sector.
        - It reduces the incidence of arbitrage, created by differing regulations and supervision standards among the supervisory authorities.
    - CBN, NDIC and NFIU conduct routine AML/CFT Inspections:
        - This reduces the regulatory burden on financial institutions and averts duplication of efforts and wastage of resources.

(iii) National Drug Law Enforcement Agency (NDLEA)

- Drug trafficking is a transnational crime known over time as a catalyst to other heinous crimes such as terrorism. Proceeds from the illicit drug trade have played a significant role in fuelling conflicts around the globe.
- The effectiveness of assets forfeiture as a drug law enforcement tool is well recognized by Nigeria.
- To this extent, the principal legislation on drug trafficking and abuse in Nigeria has made the forfeiture of properties acquired by drug convicts an integral part of our counter-narcotics efforts.
- The Agency, in collaboration with other stakeholders including the EFCC, is vigorously enforcing the provision of the Money Laundering Act.

- In line with inter-agency collaboration, the Agency transferred five cases to EFCC for further action (as the preliminary investigation did not link such cases with drug-related offences).
- Under the international cooperation against illicit drug trafficking and laundering of drug money (tagged mutual legal assistance), the Agency participated in seven different cases involving the Government of the United Kingdom, the Government of the United States of America, the Government of South Africa and the German authority.

(iv) Economic and Financial Crimes Commission (EFCC)

Below is a summary of assets frozen/terrorism cases prosecuted by the EFCC:

S/No	*Parties/Charge No*	*Court/date filed*	*Nature of the case*	*Cash/assets recovered*	*Remarks*
1	FHC/KD/7c/05 FRN VS. LUCKY ATTERER E & 3 OTHERS	Federal High Court, Kaduna, 2005	The convicts were charged on 21/10/05 and tried on two-count charge of terrorism under section 15(2) of the EFCC Act, 2004 for abducting two expatriate oil workers and demanding for 50 million Naira ransom.		Accused persons were convicted and sentenced to three years imprisonment without an option of fine.
2	FHC/ABJ/CS/90/06 NASCO VS. STATE	Federal High Court, Abuja, 2006	Suspect was charged for financing of terrorism.	Interim forfeiture/asset freeze	Accused later released for lack of evidence.
3	FHC/KD	Federal High Court, Kaduna, 2007	Some young men stormed Agip Platform with terrorism motive.		The accused persons were convicted in this case.
4	FHC/KD/119c/04 FRN VS. JOSHUA MAC'IVER	FHC, KD 2005	The suspects were charged under section 15(2) of EFCC Act, 2004 for the offence of terrorism. The convict along with others, who are now dead, about 4th of October, 2004 armed themselves with military rifles, wore military camouflages and attempted to attack an Agip Oil Flow Station at Tabidaba, Delta State. Their intention was to overrun the place and coerce Agip to enter into a memorandum of understanding with their community to provide social facilities for them.		The accused was convicted and sentenced to 10 years imprisonment without option of fine.

(c) Arms Embargo

The institutions responsible for monitoring and implementing the arms embargo are the Ministry of Justice, the Nigeria Police Force, the Nigeria Customs Service, the Nigeria Security and Civil Defence Corps and the Department of State services.

(i) Federal Ministry of Justice (FMJ)

- Nigeria has ratified the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms and their Parts and Components and Ammunition, supplementing the United Nations Convention Against Transnational Organized Crime (2001).
- Section 78 of the Criminal Code deals with smuggling or rescuing of goods under arms. Section 79 provides against [illegible]gling of arms under disguise, while Section 80 relates to being armed so as to cause terror to any person.
- Section 8 of the Public Order Act prohibits the use of offensive weapons at meetings and processions. Section 428 prescribes punishment for unlawful possession of arms belonging to the Army or Police Force.
- The Firearms Act also regulates the possession and use of arms.
- The Explosives Act empowers the minister responsible for explosives to make regulations expedient for the purpose of maintaining and securing public safety.
- The regulations referred to above include provisions with respect to the import of explosives into Nigeria, the manufacture, storage, transportation or use of explosives, the ownership or possession of explosives, the seizure of explosives in respect of which an offence is alleged to have been committed and the forfeiture of explosives in respect of which such an offence has been committed.

(ii) Nigeria Police Force (NPF)

- The Force Armament Office is a unit attached to the "B" Department Operations of the Nigeria Police Force.
- Its main task is to maintain a database on issues relating to arms embargo and related matters.
- The unit disseminates information to the counter-terrorism squad and other police departments which respond spontaneously.

(iii) Nigeria Customs Service (NCS)

In order to curb the smuggling of arms and ammunition into the country, the NCS has restructured the country into four operational zones, ensuring that each of these zones are manned, especially at the nation's airports, sea and land borders, by Crack Customs Patrol units — code-named Federal Operation Units [FOU].

In addition to the command structures on the ground, Joint Border Patrol Units and Air Patrol Units have been established to work on a 24-hour basis to combat smuggling, transborder organized crimes, local production of arms, use

of dual-purpose equipment, use of foreign specialists and unlicensed production, and in order to cooperate with other States.

In checking the smuggling of arms and ammunitions and other weapons which could be used for violent purposes, the NCS has put in place the following measures:

a. Examination of 100 per cent of containers with the aim of detecting concealed weapons and this has yielded great results.

b. Recently, a forty-foot container declared to be carrying personal effects was detected to be carrying arms and ammunitions, including AK-47 rifles, pump-action guns, live cartridges and blank shells. One arrest was made. The suspect and container of arms were handed over to the police for further investigation and prosecution.

Efforts have been made to trace the source of supply of the seized arms.

c. From January 2009 to date, seizures made in the following commands are stated below:

- Apapa Port: 400 expended shells; 549 empty shells; 5,200 bullet lead heads; 25 assorted tools to aid in ammunition assembly and 30 tools for firearms cleaning.
- Sokoto Command: 31 units of arms comprising 14 units of single-barrel rifles; 10 units of double-barrel rifles; and 7 units of pump-action rifles.
- Federal Operations Unit [FOU] Zone "A", Ikeja, Lagos: 190 units of magnum automatic pump-action guns.

(iv) Nigeria Security and Civil Defence Corps (NSCDC)

Section 4 of the NSCDC Act, 2007 (as amended) defines acts of terrorism and particularly subsection (iv), inter alia, states that "the manufacture, possession, requisition, requisition of weapons, explosives of nuclear, biological or chemical effect without lawful authority" amount to terrorist acts.

Section 3(h) states that "the NSCDC shall monitor, investigate and take every necessary step to forestall any planned act of terrorism".

In the light of the foregoing, the Nigeria Security and Civil Defence Corps Counter Terrorism Unit has been actively involved in enforcing the arms embargo. It has reported issues of arms syndicates and local arms manufacturers to the federal Government authorities responsible.

The Corps has also established the Anti-Vandalization Department to arrest vandalizers who use such instruments in vandalization of oil pipelines, PHCN, telecommunications lines and other federal, State and local government infrastructures.

The Corps Anti-Vandalization Department has, from 2005 to date, arrested over 2,819 suspected persons who specialize in vandalizing petroleum pipelines, PHCN equipment and telecom cables with different types of instruments, sometimes, with arms and where it was conclusive that proceeds

from such illegal activities were deployed for militia activities and purchase of arms and ammunitions.

Most of the suspects arrested are handed over to security agencies such as the EFCC and the police for prosecution. However, in view of the provisions of the Act, as amended in 2007, legal officers from the office of the Attorney General of the Federation have started prosecuting suspects arrested by the Corps.

The Corps has successfully secured seven convictions for cases of vandalization which are within the bracket of terrorist acts, while 25 of such cases are pending in different courts of the federation. None of the cases reported was on the Consolidated List.

The Corps has also actively and effectively participated in the efforts to counter terrorism by establishing a unit for counter-terrorism and training staff at the International Security Academy in Herzilliyah, Israel. The second batch of staff is at Galilee College in Israel, undergoing a course on national security and counter-terrorism, capacity-building, gathering and sharing of intelligence, participating and focusing on terrorism activities and countering terrorism.

(v) Department of State Services (DSS)

The DSS is engaged in proactive intelligence-gathering aimed at prevention and detection of arms smuggling and the proliferation of small and light arms in the country.

In collaboration with the police, the service vets persons seeking the issuance of licences for private firearms for self-protection as well as companies intending to operate firearms businesses in Nigeria. The vetting is done with reference to the Consolidated List, even though such arms are not prohibited firearms.

(d) Travel Ban

The institutions that enforce the travel ban are the Federal Ministry of Justice, Ministry of Foreign Affairs, Department of State Services and Defence Intelligence Agency.

(i) Federal Ministry of Justice

The Constitution of the Federal Republic of Nigeria (1999) states that:

> "Every citizen of Nigeria is entitled to move freely throughout Nigeria and reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit therefrom" (sect. 41(1)).

Subsection 2, however, provides that restrictions can be imposed on the residence or movement of any person who has committed or is reasonably suspected to have committed a criminal offence in order to prevent him from leaving Nigeria.

A person can be removed from Nigeria to any other country to be tried outside Nigeria for any criminal offence or to undergo imprisonment outside Nigeria in the execution of the sentence of a court of law in respect of a criminal offence of which he has been found guilty.

The Immigration Act is the main legislation regulating movement of persons entering or leaving Nigeria (sect. 1(1)). The Act is a law of the National Assembly binding on all who enter or leave Nigeria. It is implemented by the Nigeria Immigration Service, an agency under the Ministry of Interior.

Immigration officials man the borders and control movement in and out of Nigeria through the land, airports and seaports to ensure compliance with immigration laws. The officers ensure that anyone intending to leave or enter Nigeria meet the appropriate requirements by possessing proper travel documents. Some of these requirements include the procurement of visas and valid passports.

A register is established for each State of the Federation with a senior immigration officer for the purpose of enforcing the regulation.

The senior immigration officer (also known as the aliens officer) is mandated to maintain a register for identification of all aliens resident in Nigeria and furnish the Director of Immigration with copies of entries for the purpose of creating a registry for the control of aliens, among other things.

There are also other laws of the National Assembly and bilateral treaties that empower enforcement agencies. The offences, which are set forth in numerous international conventions and protocols relating to terrorism, include extraditable offences in bilateral treaties to which Nigeria is a party.

Nigeria has an Extradition Act which is used to deny safe haven to terrorists. Sections 1 and 4(14) of the Act are relevant in this regard.

Illegal acts committed under section 35 of the NDLEA Act are also extraditable offences.

Further to that, the implementation of Mutual Assistance in Criminal Matter Act has given rise to mutual legal assistance treaties with the international community. Nigerian agencies set up to fight crime cooperate with other countries by sharing and exchanging intelligence.

Nigeria has entered into numerous bilateral agreements on extradition and mutual legal assistance in criminal matters with various countries. They include the United Kingdom, South Africa, the United States of America, Togo, Ghana, the Republic of Benin and Italy.

The NFIU also provide for mutual legal assistance through the Egmont Group of financial intelligence units across the globe.

(ii) Ministry of Foreign Affairs (MFA)

The Ministry of Foreign Affairs, through its foreign missions, denies visas to persons who are under travel bans to Nigeria and advises the Immigration Service to ban persons involved in terrorist acts in order to prevent them escaping justice.

(iii) Department of State Services (DSS)

The DSS maintains a watch list (incorporated Consolidated List) at travel control posts with the intention of arresting, detaining and confiscating travel

documents of individuals or groups suspected to have any link with terrorist groups.

(iv) Defence Intelligence Agency (DIA)

The Armed Forces commitment to combating terrorism is in the areas of training and capacity-building. To this end, the following training of troops has been conducted:

a. Special Operations on Combating Terrorism-Mobile Education Team (MET) was held from 14 to 18 September 2009 in Ghana — organized by the Government of the United States.

b. Special Forces Course (Counter Terrorist Unit 09/01) organized for members of the Armed Forces by the American Training Team, held at the Nigerian Army School of Infantry, Jaji, from 23 March to 30 April 2009.

c. Advanced Joint Combined Exercise for Training (JCET), opportunities with the United States of America held from 15 August to 8 September 2009 at the Nigerian Army School of Infantry, Jaji.

d. Training of Nigeria Army Special Forces Personnel by the Indian Army Training Team was held from 16 March to 10 April 2009 at 72 Battalion, Makurdi.

e. Seminar on Domestic Terrorism in Africa conducted on 19 and 20 May 2007 in Cairo.

f. Seminar on Domestic Terrorism in Africa held on 20 and 21 August 2007 in Abuja.

g. Trans-Sahara Counter Terrorism Topical Seminar held from 19 to 24 February 2006 in Algiers.

h. Training on security enforcement and money-laundering terrorism financing was held in the Gambia from 6 to 10 July 2009. It was sponsored by the Centre of Excellence Defence against Terrorism of Turkey.

(e) The Boko Haram Group

The Boko Haram is an extremist group that has no ties with Al-Qaida. It was dislodged by the law enforcement agencies, though not defeated. No member of this group is on the Consolidated List. In order to ensure that there is no meeting point for terrorist elements around the world with members of the group, the following measures have been put in place:

- De-radicalization
- Perception management and sensitization
- Arrest, detention and rehabilitation of radicalized elements and release back into society of the de-radicalized elements
- Reach out exercises with other stakeholders.

(f) The Draft Prevention of Terrorism Bill

The Prevention of Terrorism Bill, 2009 seeks to criminalize and punish all acts of terrorism, terrorists and their associates. The Bill clearly defines and prohibits all

acts of terrorism and its support. It makes any violation of the provisions of the Bill an offence and prescribes penalties for such violations.

The Bill further makes provision for listing and de-listing, freezing of funds and financial assets of terrorists and terrorist groups and prevention of their entry into or transit in Nigeria. It also prohibits the direct or indirect supply, sale and transfer of arms, weapons, ammunitions and other related equipment to terrorists.

Other provisions include the suppression of the financing of international terrorism, terrorist funding, hostage-taking, the seizure of terrorist cash and property, obligation to report suspicious transactions relating to terrorism, property-tracking, mutual assistance, extradition, investigation, detention and prosecution for offences of terrorism.

The procedures for search, arrest, detention, investigation, prosecution and other methods for combating the offence of terrorism under this Bill will be carried out in accordance with legal procedures through a court of law and with due respect for human rights of the suspects.

It makes provision for the protection of witnesses in the prosecution of any terrorist for an offence committed in relation to this Bill. All the United Nations conventions on counter-terrorism have been incorporated into the Bill.

The determination and efforts of the Government of Nigeria in the fight against terrorism are evidenced from the foregoing. The above-mentioned Bill was currently amended to meet with international standards and subsequently sent back to the National Assembly. The Bill is comprehensive and will provide a veritable tool for the prosecution of terrorism offences in Nigeria when it is eventually enacted into law. It should be noted that the provisions of this bill are in various acts of the Federation.

Conclusion

Finally, Nigeria condemns terrorism in all its forms and manifestations and reiterates its determination to wipe out the menace.

In furtherance of the above, Nigeria has signed and ratified the various United Nations and African Union instruments against terrorism. The establishment of the National Focal Point is an achievement in this direction. The role of the Focal Point has helped to ensure collaboration and coordination among the various ministries, departments and agencies involved in the fight against terrorism.